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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,497	02/28/2000	ALEXANDER VAN DER VEKENS	P00,0062	9888

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EXAMINER

WANG, LIANG CHE A

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 06/09/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/486,497

Applicant(s)

VAN DER VEKENS, ALEXANDER

Examiner

Liang-che Alex Wang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3 and 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 3 and 5-7 have been examined.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Referring to claim 6, claim 6 recites the limitation "and wherein no subsequent negotiation ..." in line 11. There is insufficient antecedent basis for this limitation in the claim. The limitation is viewed as "and no subsequent negotiation ..." (by removing "wherein") for further examination.
5. All dependent claims are rejected to as having the same deficiencies as the claims they depend from

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b)

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only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

7. Claim 3, 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Dunn et al., US Patent Number 6,118,780, hereinafter Dunn.

8. Referring to claim 6, Dunn has taught a method in a intelligent communication network for negotiation of connection parameters between at least one communications terminal and at least one communications server (Col 1 lines 59-63), comprising:

implementing the negotiation of quality of service parameters (Col 4 lines 41-45) before setup of a connection with a dedicated network element (item 14 in figure 3A, connection between user and SCP is not yet setup at this point, therefore the negotiation occurs before setup of a connection,) which differs from the communication server (SCP differs from the server shown on figure 3);

transmitting a service request from the communications terminal to the communications server to the network elements via an exchange (Col 3 lines 7-11);

entering an address of the service provider and the quality of service parameters of the connection into a data structure pertaining to the service request by the network element (Col 4 lines 61-65, user's profile (data structure) which include the quality of service and service provider is being updated (or stored) in the SCP);

communicating the quality of service parameters for the connection setup to the communication server (Col 5 lines 29-33), and no subsequent negotiation of the quality of service parameters occurs (Col 1 lines 58-61, user's selection is **predefined**; Col 4 lines 41-45, the authorized services are **defined as negotiated**.)

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9. Referring to claim 7, Dunn has further taught when a new service is setup in the communication network, values of the quality of service parameters are communicated to the network element and stored therein (Col 4 lines 61-65);
10. Referring to claim 3, Dunn has further taught wherein the communication network is a broadband communication network (Col 4 lines 1-2), whereby the quality of service parameters is the bandwidth made available (Col 1 lines 59-61.)
11. Referring to claim 5, Dunn has taught an apparatus for negotiating connection parameters in an intelligent communication network comprising:
 - a storage device (item 15, Figure 1 and 3A) for storing connection parameters about connection and service providers (Col 3 lines 7-14);
 - a first unit (item 14) for evaluating the service call (Col 3 lines 10-11, processing the call is considered as evaluating the call);
 - a second unit (SSP Col 3 lines 9) for forwarding the modifies service call to the service provider (Col 3 lines 16-23);
 - the negotiation of quality of service parameters (Col 4 lines 41-45) occurs before setup of a connection with the network element (item 14 in figure 3A, connection between user and SCP is not yet setup at this point, therefore the negotiation occurs before setup of a connection,) and no subsequent negotiation of the quality of service parameters occurs (Col 1 lines 58-61, user's selection is **predefined**; Col 4 lines 41-45, the authorized services are **defined as negotiated**.)

Response to Arguments

12. Applicant's arguments filed 05/03/2004, paper number 24, have been fully considered but they are not persuasive.

13. In that remarks, applicant's argues in substance:

- a. That: Dunn fails to teach there is no subsequent negotiation of the quality of service parameters occurs and there is a negotiation of parameters after the connection setup occurs.

This is not found persuasive because Dunn has disclose the negotiation parameters are pre-defined in a network profile (Col 1 lines 59-63) and these authorized services and transmission paths are defined as negotiated (Col 4 lines 42-45). Dunn has taught there is no subsequent negotiation of the authorized services (Col 2 lines 15-18, the network default is the pre-defined authorized services that is available to the users. Users are capable to select the voice and data transmission based on the already negotiated data, therefore there is no subsequent negotiation of the quality of service parameters occurs since all the available selection are already negotiated)

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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15. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (703) 305-8159. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on (703)308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Liang-che Alex Wang *LW*
June 1, 2004

Hosain Alam
HOSAIN ALAM
SUPERVISORY PATENT EXAMINER